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# Spy law may apply to negligent staff

By Bill Gertz

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The Justice Department is studying whether State Department officials involved in the Moscow embassy spy scandal can be prosecuted for criminal negligence.

The department is conducting the inquiry to determine whether civilian government employees can be tried under a law that makes it a crime to allow national security secrets to be disclosed through negligence, Attorney General Edwin

Meese III told a Senate panel yesterday.

But department sources discounted the effort, saying Mr. Meese's announcement was aimed largely at mollifying Sen. Ernest Hollings, South Carolina Democrat, who suggested the idea to the attorney general during a recent meeting.

"Civilian supervisors responsible for embassy security should be held just as accountable as the Marines," Mr. Hollings said through a

spokesman.

Mr. Hollings chairs the Senate Appropriations subcommittee before which Mr. Meese testified yesterday, and the subject of the inquiry came up in a question from Mr. Hollings. Mr. Meese emphasized that no investigation had been launched, only a preliminary inquiry.

Patrick Korten, a Justice Department spokesman, said later that the informal inquiry does not involve any individuals or specific cases.

"We're looking at this globally," Mr. Korten said. "It's at a very early stage."

Meanwhile, a senior State Department official testified before another Senate committee that apartments already occupied by U.S. personnel inside the new U.S. Embassy complex in Moscow have been bugged.

"We assume that the apartments have been bugged," said Ronald I. Spiers, undersecretary of state for management.

But Mr. Spiers, in testimony before the Senate Foreign Relations Committee, said protecting residen-

tial facilities from electronic eavesdropping has taken a back seat to the major problems found in the new chancery building.

"Our highest priority is the chancery and the secured spaces because we are in that awful [old embassy] building now," Mr. Spiers said.

Officials have said the Soviets planted secret listening devices inside the new chancery's structural components.

The Senate Intelligence Committee recommended Wednesday that the new chancery be torn down and replaced with a secured facility. Yesterday, the Senate Appropriations Committee voted to force the State Department to tear it down.

In addition to the eight-story chancery building, the new compound in Moscow contains seven other buildings, including 134 apartments already occupied by U.S. diplomats, a school, and quarters for Marine guards.

Mr. Spiers said he favored another option under consideration by the administration, which calls for sealing off the new, microphone-riddled embassy and building a separate facility inside the compound where "classified activities" can be safely conducted.

Mr. Spiers said no final decision on the new embassy was expected until a department review panel submits its recommendations sometime next month.

Mr. Spiers told the panel that a 1972 construction agreement allowing the Soviets to build components for the chancery building in remote locations was "outrageous and inexcusable."

Ranking minority member Sen. Jesse Helms, North Carolina Republican, charged that State Department officials had "overdosed on dumb pills" when they agreed to inspection provisions that favored the Soviets in the construction agreement on new U.S. and Soviet embassies.

Mr. Helms demanded that no Soviet diplomats be allowed to use their new Washington complex until reparations are paid to the U.S. government for the cost of de-bugging the new embassy in Moscow.

"If we do less than that, we're a bunch of wimps," he said.

Senate Majority Leader Robert Byrd said yesterday he would cosponsor legislation introduced yesterday by Sen. Steven Symms, Idaho Republican, ordering the Soviets off Mount Alto, the site of their new embassy.

An amendment to a \$19.3 billion supplemental spending bill bars the State Department from spending any money on the new building except what it costs to demolish it. The amendment, proposed by Mr. Hollings and Sen. Warren Rudman, New Hampshire Republican, was approved yesterday by the Senate Appropriations Committee.

So far, \$23 million out of \$64 million available for construction has been spent on the new chancery building, which is two-thirds completed. A total of \$192 million has been made available for the entire complex.

The amendment also bans the Soviets from moving into their new em-

bassy complex in Washington until a new, secure U.S. Embassy building in Moscow is available.

The legislation also calls for the Soviet government to make "prompt and full reimbursement to the United States" for damages due to bugging and shoddy construction.

Foreign Relations Committee Chairman Sen. Claiborne Pell, Rhode Island Democrat, said that he favored building a separate embassy facility outside the new chancery to solve the problem of electronic eavesdropping.

Mr. Spiers, who also favors that option, said other possibilities include demolishing all or part of the building, or installing countermeasures to thwart any listening devices.

"We do not know what damage

was done as a result of these events in Moscow and Leningrad," Mr. Spiers said. "However, we have to assume the worst."

The State Department plans to replace compromised facilities in Moscow and Leningrad and is investigating other missions in Eastern Europe for possible security breaches, he said.

Cpl. Arnold Bracy went before a closed military hearing, similar to a grand jury probe, at the Quantico, Va., Marine base.

Defense attorneys have said Cpl. Bracy recanted statements made to Navy investigators. Cpl. Bracy allegedly conspired with another Marine, Sgt. Clayton J. Lonetree, to allow Soviet agents in the embassy, after both had been seduced by Soviet women working at the U.S. Embassy.